



# NOTICE



Public Law 117-263 requires the Office of Inspector General to post written responses received within 30 days of publication from nongovernmental organizations or business entities specifically identified in an OIG report.

To comply with this statute, this attachment includes a written response in its entirety. The content of the response is the sole responsibility of the submitting organization and its inclusion here does not imply our endorsement or agreement. Questions regarding the content of the attached response should be directed to the submitting organization. We reaffirm the findings and recommendations in our report.

As required by generally accepted government auditing standards, Department of Commerce management's official response to our audit is included in the report, along with OIG's assessment of their response.

January 3, 2025

**VIA E-MAIL** ([jbaisinger@oig.doc.gov](mailto:jbaisinger@oig.doc.gov))

Jill Baisinger, Acting Inspector General  
Office of Inspector General  
U.S. Department of Commerce  
1401 Constitution Avenue, N.W.  
Washington, DC 20230

Dear Ms. Baisinger:

The First Responder Network Authority (FirstNet Authority) selected AT&T through a full and open competition under Federal Acquisition Regulation Part 15 to deliver the Nationwide Public Safety Broadband Network (FirstNet). As a named entity in the Audit Report regarding FirstNet performance during the 2023 Maui Wildfires<sup>1</sup>, AT&T is responding to address the OIG's Final Report.

As public safety's FirstNet partner, AT&T welcomes and appreciates the OIG's review and recommendations to strengthen the FirstNet program. The oversight from the OIG, along with the broader oversight applied to this program, further strengthens the public-private partnership and gives public safety users confidence in their network because the program is subject to robust accountability.

The oversight process must, however, be fair and based on an evaluation of sufficient, appropriate evidence against stated and traceable criteria, and reflect a complete, accurate, and objective account of the relevant facts. AT&T previously shared concerns with the OIG following review of the draft audit report. AT&T appreciates the OIG acknowledged and implemented several corrections. However, the OIG did not address the absence of critical context and other identified inaccuracies and omissions in the Final Report, leading to factual inaccuracies and unwarranted conclusions.

The August 2023 Maui wildfires were the deadliest U.S. wildfires in over a century. The fires destroyed most of the town of Lahaina and caused significant damage to critical infrastructure. Throughout this incident, the FirstNet team worked closely with Hawaii stakeholders to support first responders' response and recovery efforts, including the deployment of dedicated FirstNet network assets, which serve FirstNet users. Notably, at the time of the fires, FirstNet was the only network with a deployable cell tower asset permanently stationed on Maui<sup>2</sup> – which enabled a same-day deployment in response to public safety's first request for FirstNet deployable support on August 10 (Day 2). As such, FirstNet was the first wireless network to deploy a portable cell tower to support public safety following the wildfires.

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<sup>1</sup> Published by the U.S. Department of Commerce Office of the Inspector General (OIG) on Dec. 5, 2024.

<sup>2</sup> During the FirstNet State Opt-In Process in 2017, all 50 states, D.C. and the five U.S. territories reviewed and provided guidance on the custom buildout plan for their respective jurisdiction. Through this process, the State of Hawaii identified the need for on-island deployables, which became part of the FirstNet State Plan for Hawaii.

As in any major incident, we apply lessons learned to improve future responses. AT&T is committed to working with the FirstNet Authority and public safety stakeholders, especially those in Maui and the other Hawaiian Islands, to learn from this tragic incident to further improve the FirstNet program. Since the Maui wildfires, AT&T has participated in multiple formal and informal discussions with Hawaii stakeholders and with the FirstNet Authority to identify and address lessons learned. This input has strengthened program operations and resiliency, as well as guided considerations for future investment into the FirstNet network.

AT&T has three primary areas of concern with the Final Report:

1. **The Final Report Lacks Critical Context.** A more complete overview of FirstNet support for public safety following the Maui wildfires and additional context should have been included in the OIG's Final Report. Key examples:
  - a. Incremental Restoration: The Final Report provides limited information regarding the incremental restoral and significant restoration efforts that occurred throughout the period following the wildfires (while commercial, third-party power and fiber remained heavily impacted). The Final Report only states the network reached temporary restoral at all impacted sites by Day 11. The lack of this critical context results in false or misleading assertions and incorrect conclusions in the Final Report. For example, Figure 2 in the Final Report outlines a limited scope and scale of support and network restoration activities, which under-represents the true breadth of network restoration and support for FirstNet users.<sup>3</sup>
  - b. Supporting Public Safety's Emergency Requests for Connectivity: The OIG included the claim that a deployable request was denied on August 8 (Day 0). As previously communicated to the OIG, AT&T has no documentation, record, or knowledge of a request being made on August 8. This fact is absent in the OIG's final report.<sup>4</sup> Additionally, the OIG treats hearsay as fact when asserting that demobilizing

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<sup>3</sup> Relating to AT&T's network restoration efforts, there is no mention in Figure 2 of the Emergency Communications Portable (ECP) satellite that provided temporary restoral of AT&T's Kaanapali cell site, which had lost third-party fiber transport or the four (4) hops-worth of microwave transport equipment that provided temporary restoral of service to Lahaina Shore, Kaanapali Beach Club, Kaanapali, and Civic Center. Further, Figure 2 fails to fully depict the three (3) portable cell sites (two (2) in Lahaina and one (1) in Kaanapali) and two (2) commercial cell on wheels (COWs) (staged in the center of Lahaina and Lahaina Civic Center) that were deployed. Specifically for public safety, AT&T also deployed six (6) satellite solutions to public safety agencies, search and rescue, and the Kapalua Airport, as well as seven (7) FirstNet Compact Rapid Deployables (CRD)/FirstNet miniCRDs. Additionally, three (3) FirstNet Cell Booster Pros (an in-building Wi-Fi solution for public safety) and four (4) Mobile Broadband Kits with FirstNet smartphones and two (2) FirstNet Mi-Fi devices in each were deployed to support emergency response personnel in Maui – these efforts are not represented in Figure 2. Further, there is no mention of the FirstNet miniCRDs, owned and operated by public safety, that supported the response and recovery.

<sup>4</sup> Although the Final Report states that OIG "conducted this audit in accordance with generally accepted government auditing standards," see Final Report at p. 20, the absence of traceable evidence for the OIG's assertions falls short of such standards governing the accuracy of audit reports. See United States Government Accountability Office, "Government Auditing Standards," Paragraph 9.17(a) (Feb. 2024 revision) (the "Yellow Book") ("An accurate report is supported by sufficient, appropriate evidence with key facts, figures, and findings being traceable to the audit evidence. Reports that are fact-based, with a clear statement of sources, methods, and assumptions so that report users can judge how much weight to give the evidence reported, assist in achieving accuracy.").

FirstNet deployable assets caused a degradation in service.<sup>5</sup> The network had been restored, and these assets were off-air (not broadcasting) for several days prior to their demobilization. The assets were returned to their permanent staging locations for maintenance and storage on the other Hawaiian Islands for future deployments. August falls within Hawaii's hurricane season, and there was a high risk of fire on these other islands.

- c. Diversity of the FirstNet Deployable Fleet & Value of Agency-Owned Deployable Assets: The Final Report is largely silent on the breadth and diversity of the FirstNet deployable fleet, which includes smaller portable cell tower assets, including the FirstNet Compact Rapid Deployable (CRD) and miniCRDs.<sup>6</sup> The FirstNet Response Operations Group™ (ROG) and other AT&T network restoration teams flew to Maui with these smaller assets, with the first miniCRD being deployed by the FirstNet ROG on August 11 (Day 3). In addition, public safety agencies can own, operate, and deploy their own FirstNet CRDs and miniCRDs where augmented FirstNet wireless coverage is needed. In response to the wildfires, FirstNet miniCRDs, owned and operated by the State of Hawaii, arrived in Maui on August 9 (Day 1).

The OIG's statement that it "took approximately 6 to 7 days to transport three SatCOWs from the other Hawaiian islands to Maui and get them on air" ignores the presence of these smaller assets that were swiftly deployed to serve public safety.<sup>7</sup>

2. **The Final Report Fails to Base Evaluation on Existing Contract Terms.** The OIG's Final Report contains assertions and conclusions regarding network and contractor performance that are not based upon an evaluation of existing contract terms. When assessing performance, the OIG should have based its analysis of service restoral, service availability, deployable response time objective, and business continuity and disaster recovery planning on the actual contract requirements, not what the OIG would have desired these contract requirements to be. When the OIG identifies findings that fall outside the scope of the existing contract, these recommendations should instead be directed to the FirstNet Authority to inform future investment decisions or updates to the contract requirements. It is unfair to draw conclusions about contractor or network performance based upon criteria that are inconsistent with or absent from the contract.

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<sup>5</sup> Reliance on hearsay falls short of generally accepted auditing standards governing the objectivity of audit reports. *Id.*, Paragraph 9.17(b) ("A report's credibility is significantly enhanced when it presents evidence in an unbiased manner and in the proper context. This means presenting the audit results impartially and fairly. ... The objectivity of audit reports is enhanced when the report explicitly states the source of the evidence and the assumptions used in the analysis.").

<sup>6</sup> The FirstNet CRD is a small, highly portable deployable cell tower that links to FirstNet via satellite and does not rely on commercial power availability. It generates an area of FirstNet cellular coverage up to 2 miles (depending upon topography). The FirstNet miniCRD is an even smaller deployable cell tower that is transported in two ruggedized suitcases and provides an area of FirstNet cellular coverage up to ½ mile.

<sup>7</sup> The inclusion of such positive information would have been consistent with generally accepted auditing standards. See Yellow Book, Paragraph 9.17(b) ("The report may recognize the positive aspects of the program reviewed if applicable to the audit objectives. Inclusion of positive program aspects may lead to improved performance by other government organizations that read the report. Audit reports are more objective when they demonstrate that the work has been performed by professional, unbiased, independent, and knowledgeable personnel").

3. **The Final Report Fails to Abide by Basic Audit Standards.** In its updated *Government Auditing Standards*, commonly known as the Yellow Book, the Government Accountability Office (GAO) emphasizes “the responsibility of audit organization leadership to proactively manage quality in its engagements.” AT&T believes the OIG’s Final Report falls short of this important standard, resulting in a misinformed and speculative Final Report.

As the FirstNet private sector partner, AT&T is committed to serving public safety and performing the contracted build, operation, and evolution of FirstNet with the highest level of integrity and honesty. Upon learning of inappropriate language written in a “notes” field submitted as supplemental information with a deployable report, AT&T took immediate action and provided training to address the employee behavior. Following discovery of the inappropriate language, the FirstNet Authority and AT&T performed subsequent review of the submitted compliance report. It was determined the actual data used for calculating the response times, as submitted in the compliance report, were correct. AT&T appreciates the OIG identifying this issue, so subsequent review and validation could be performed. Unfortunately, the OIG’s Final Report does not make clear that AT&T and the FirstNet Authority completed the subsequent review and ultimately confirmed the calculated response time data were accurate.

In closing and as previously stated, AT&T welcomes and appreciates the important oversight and accountability that comes with the responsibility of being public safety’s network partner. It is essential for the FirstNet network to continuously evolve in response to public safety’s needs. The robust oversight and accountability applied to the FirstNet program is a unique distinction for the network – no other wireless network is subject to this same level of scrutiny.

AT&T is honored to serve public safety. There are certainly important learnings and identified improvements that have and will continue to be made following the devastating Maui wildfires. We are committed to working with the FirstNet Authority and the public safety community to learn from this and past emergency incidents, and continuously grow and evolve FirstNet for America’s first responders.

Sincerely,



Scott Agnew, President  
FirstNet Program at AT&T

cc: Deputy Secretary Don Graves, U.S. Department of Commerce ([The\\_Deputy\\_Secretary@doc.gov](mailto:The_Deputy_Secretary@doc.gov))  
General Counsel Leslie B. Kiernan, U.S. Department of Commerce ([LKiernan@doc.gov](mailto:LKiernan@doc.gov))  
Assistant Secretary Alan Davidson, NTIA, U.S. Department of Commerce ([adavidson@ntia.gov](mailto:adavidson@ntia.gov))  
Keisha Lance Bottoms, Chairman of the Board of Directors, First Responder Network Authority ([Keisha.Bottoms@FirstNet.gov](mailto:Keisha.Bottoms@FirstNet.gov))  
Executive Director and CEO Joe Wassel, First Responder Network Authority ([Joe.Wassel@Firstnet.gov](mailto:Joe.Wassel@Firstnet.gov))

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